1	BoxInterferences@uspto.gov		Paper 38
2	Telephone: 571-272-4683	Entered:	23 August 2007
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4	UNITED STATES PATENT AND TRADEMARK OFFICE		
5	BOARD OF PATENT APPEALS AND INTERFERENCES		
6			
7			
8	Patent Interference 105,40	7 RT	
9	Technology Center 280	00	
10			
11 .			
12	GILBARCO INC.,		
13			
14	Patents 6,422,464 and 6,098	8,879,	
15	Junior Party,		
16			
17	v.		
18			
19	IPXL HOLDINGS, LL	Æ,	
20			
21	Applications 09/922,935 and 10	0/623,656,	
22	Senior Party.		
23			
24			
25			
26	Before: FRED E. McKELVEY, Senior Administration		
27	RICHARD TORCZON and JAMES T. MOORE,	Administr	ative Patent
28	Judges.		
29			
30	McKELVEY, Senior Administrative Patent Judge	e.	
31			
32	JUDGMENT		
33	Upon consideration of GILBARCO CONC	ESSION (OF PRIORITY
34	(Paper 28) and the MEMORANDUM OPINION and ORDER (Paper 37),		
35	entered concurrently herewith, it is		

.

1	ORDERDED that judgment on priority as to Count 1 (the sole
2	count in the interference; Paper 35, page 3) is awarded against Junior Party
3	Gilbarco Inc. (inventor: Steven N. Terranova).
4	FURTHER ORDERED that Junior Party Gilbarco Inc.
5	(inventor: Steven N. Terranova) is not entitled to a patent containing claims
6	1-9, 18-25, and 27 (corresponding to Count 1) of:
7 8 9	U.S. Patent 6,098,879 issued 8 August 2000
10	FURTHER ORDERED that Junior Party Gilbarco Inc.
11	(inventor: Steven N. Terranova) is not entitled to a patent containing claims
12	1-33 (corresponding to Count 1) of:
13 14 15	U.S. Patent 6,422,464 issued 23 July 2002
16	FURTHER ORDERED that if there is an additional settlement
17	agreement, attention is directed to 35 U.S.C. § 135(c).
18	FURTHER ORDERED that a copy of this JUDGMENT shall
19	be placed in the files of (1) U.S. Patent 6,098,879, (2) U.S. Patent 6,422,464
20	(3) application 09/922,935 and (4) application 10/623,656.
21	FURTHER ORDERED that the Clerk is directed to distribute
22	the files upon entry of this JUDGMENT.

cc: (via electronic mail): 1 2 Steven N. Terranova 3 John R. Witcher WITHROW & TERRANOVA, P.L.L.C. 4 5 Cary, NC 6 7 James G. Gatto Bradford C. Blaise 8 PILLSBURY WINTHROP SHAW PITTMAN LLP 9 McLean, VA 10 11 12

Despertt, Sonja

From:

Despertt, Sonja on behalf of Interference Trial Section

Sent:

Thursday, August 23, 2007 4:46 PM

To:

'sterranova@withrowterranova.com'; 'rwitcher@withrowterranova.com'; 'james.gatto@pillsburylaw.com'; 'bradford.blaise@pillsburylaw.com'

Subject:

Interference 105407 (McK) Paper No. 38 - Judgment

Attachments: 105407.038.pdf